

Appl. No. 10/089,525  
Amld. dated November 24, 2004  
Reply to Office Action of October 28, 2004

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REMARKS/ARGUMENTS

In response to the restriction requirement mailed October 28, 2004, applicants elect with traverse the claims of Group II (claims 1-12).

The present application is a national phase application of an international application and is subject to the requirement for unity of invention under PCT Rule 13.1. Applicants note that an International Search Report addressing all of the pending claims was issued by the International Search Authority. In addition, an International Preliminary Examination Report was issued for this application. The international search and examination was carried out by the USPTO. Applicants note that PCT Rule 13.1 governs the unity of invention analysis in both the international application and the national phase. Applicants respectfully request clarification as to how the USPTO can search and examine all the claims of the international application, but not do so in the national phase of the same application when applying the same rule.

Applicants particularly traverse the restriction between Groups I and II. In the Office Action, the Examiner states that the special technical feature of the present invention is "a method of modulating levels of vWF or FVIII in an animal comprising administering a agent that modulates ST3Gal-IV sialyltransferase activity."

According to PCT Rule 13.2, special technical features are those technical features that define a contribution which each of the inventions, considered as a whole makes over the prior art. Since the Examiner explicitly states that a contribution of the present invention is the *modulation* of ST3 Gal -IV activity, there is no basis for separate examination of claims directed to increasing and decreasing such activity. Thus the restriction between Groups I and II is improper. Indeed, applicants note that there is no discussion in the office action as to why these two groups do not share the special technical feature. In light of the above, the restriction between Group I and II is improper and should be withdrawn.

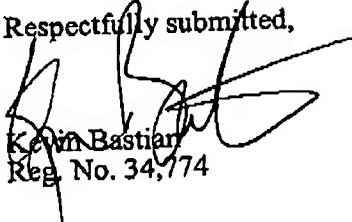
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If a telephone conference would expedite prosecution of this application the  
Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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